

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 807 of 1998

in

SPECIAL CIVIL APPLICATION No 2583 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

LALITBHAI PUKHRAJ OSWAL

Versus

GSRTC

Appearance:

MR MAHESH THAKAR for Petitioner

CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 27/04/98

ORAL JUDGEMENT (Per: B.C.Patel,J.)

The learned Single Judge of this Court in Special

Civil Application No.2583 of 1998 has passed an order as under:

"Notice, returnable on 17-4-1998. Till then, the respondent Corporation shall permit the petitioner to run coin operated Automatic Personal Weighing Machines at the places where such machines are installed on condition that the petitioner shall pay the amount which is being paid by the Eastern Scale Pvt. Ltd. at other places under the respondent Corporation. The petitioner shall file an undertaking on or before 6-4-1998 in this Court that the petitioner shall pay the amount at the rate mentioned above so long as this ad-interim relief is operative."

It is admitted that as per the condition, the amount is not paid and the draft, which is of 25th April, 1998, is with the learned advocate. As per the condition precedent, amount is to be paid to the Corporation and only thereafter, the applicant is to be permitted by the Corporation to run the machines as directed by the learned Single Judge. We do not deal with that aspect. As amount is not deposited, we reject this application with a liberty to the petitioner to approach this Court if amount is forwarded to the Corporation and within a reasonable period thereafter, he is not allowed to run the machines. The application stands disposed of accordingly.

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